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FM AMEMBASSY ASHGABAT  
TO RUEHC/SECSTATE WASHDC 3453  
INFO RUCPDO/DEPT OF COMMERCE WASHDC PRIORITY  
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY  
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE  
RUCNCIS/CIS COLLECTIVE  
RUCNMEM/EU MEMBER STATES COLLECTIVE  
RUEHAK/AMEMBASSY ANKARA 5661  
RUEHBJ/AMEMBASSY BEIJING 3379  
RUEHKO/AMEMBASSY TOKYO 3243  
RUEHIT/AMCONSUL ISTANBUL 3904  
RUCNDT/USMISSION USUN NEW YORK 1139  
RHMCSUU/CDR USCENCOM MACDILL AFB FL  
RUEHVEN/USMISSION USOSCE 3894  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RHEHNSC/NSC WASHDC  
RUEKJCS/SECDEF WASHDC  
RUEKJCS/JOINT STAFF WASHDC  
RUEAWJA/DEPT OF JUSTICE WASHDC

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SENSITIVE

SIPDIS

STATE FOR SCA/CEN

E.O. 12958: N/A

TAGS: [PGOV](#) [TX](#)

SUBJECT: TURKMENISTAN'S LEGISLATIVE REFORM -- GENUINE OR COSMETIC?

[1](#)1. (U) Sensitive But Unclassified. Not for Public Internet.

[1](#)2. (SBU) SUMMARY: Turkmenistan is in the process of reforming outdated Soviet-era laws, with the stated intention of supporting broader reforms in the country and bringing about compliance with international standards. President Berdimuhamedov himself announced the reform program for the country's legislation. The reform process is supposed to be open to the public, but public debate is often limited to laws of secondary importance. In reality, the main sources of new Turkmen legislation are the President and international organizations, but even pressure from international bodies cannot ensure that the new laws are implemented. END SUMMARY.

[1](#)3. (SBU) To a large extent, Turkmenistan relies on the use of outdated Soviet-era laws in the absence of new ones. Former President Niyazov did little to address this problem. Current President Berdimuhamedov, almost immediately after his election, announced his intention of reforming the country's laws to make them correspond to international standards. Legislative reform was to be part of a broader process of reform throughout the country.

[1](#)4. (SBU) Turkmen law provides that legislative initiatives may come from various sources including the president, members of parliament, ministers and those that work in the ministries, NGOs, and citizens. Alternatively, a parliamentary committee chairman can create a working group or a commission to draft a law. In practice, however, the Turkmen president exercises full control over all parliamentary affairs, including initiating new laws.

[1](#)5. (U) According to the official process, once a new law is drafted, an authorized person, usually a member of parliament, can put it forward for voting. The drafts must be checked to make sure they do not conflict with any current regulations. Staffers on the parliamentary committee or within the presidential administration usually conduct that review. When alternate drafts of the same law are proposed, the parliament has to decide which of the versions will be put forward. After the Mejlis has passed a draft law, the president signs it, and it is then published in the local press.

¶6. (SBU) Lawmaking in Turkmenistan is theoretically designed to involve as many different layers of the government and community as possible. Discussions on the law are supposed to be held openly in the parliament and mass media, according to an article published recently in the state-run newspaper "Neytralniy Turkmenistan." In practice, however, new laws are often not discussed until after they have been passed. One exception was when the government opened up a debate on a law on taxation of private entrepreneurs, holding seminars and conferences. It is possible that the Turkmen Government did not consider this law important because the national budget consists mostly of revenues from the sale of natural gas, not taxes.

¶7. (SBU) Although most laws in Turkmenistan are initiated by the president, some have been the result of strong support by international organizations. UNICEF, for instance, has supported legislation on breastfeeding and prohibiting child labor. The British Embassy, UNDP, and UNICEF have brought together a working group of local and international experts to redraft the Criminal Code. Businesses also attempt to influence new legislation. Turkmenistan's textile factories started supporting bans on child labor when they began getting orders from overseas companies, such as Tommy Hilfiger.

¶8. (SBU) COMMENT: Although the stated goal of legislative reforms is to make Turkmenistan compliant with international standards, many people believe that the changes are purely cosmetic. People inside Turkmenistan often refer to the Turkmen parliament as the "Union of Artists," because they create a budget which has very little to do with the reality of Turkmen revenues and expenditures, and they pass

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laws that are never implemented. In reality, everything remains under the control of the presidential administration, and the parliament's role is to pass laws by an overwhelming majority. Still, without new laws, some of which have benefited from input provided by international experts, the Turkmen government could never move to the next stage involving effective implementation and rule of law. END COMMENT.

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